

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 6 – HB 57

February 22, 2015

**SUMMARY OF ORIGINAL BILL:** Enacts the “Racial Profiling Prevention Act” and requires state and local law enforcement agencies, including university police departments, to adopt a written policy prohibiting racial profiling on or before January 1, 2016.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (003462):** Redefines the definition of “racial profiling” as the detention or interdiction of an individual in traffic contacts, field contacts, or asset seizure and forfeiture efforts solely on the basis of the individual’s actual or perceived race, color, ethnicity, or national origin. The original bill defined “racial profiling” as the detention, interdiction, or other disparate treatment of an individual solely on the basis of the individual’s actual or perceived race, color, ethnicity, or national origin

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Public Chapter 977 of 2008 strongly encouraged each sheriff’s office, city police department and the Tennessee Highway Patrol to adopt a written policy that prohibits racial profiling on or before January 1, 2010. This previous Racial Profiling Prevention Act was deleted as obsolete by the Code Commission in 2010.
- The proposed legislation requires the written policy and extends the requirement to all law enforcement agencies, including university police departments.
- According to the Tennessee Higher Education Commission (THEC), all six Tennessee Board of Regents have police departments and the four University of Tennessee campuses have police forces.
- According to the Criminal Justice Directory located on Tennessee Bureau of Investigation web site, there are 278 police departments and 95 sheriff departments in Tennessee.
- There are 57 Tennessee Law Enforcement Accreditation (TLEA) Program Participants with 31 of those being accredited. Accredited agencies are required to have a written policy prohibiting racial profiling.

SB 6 – HB 57

- The Tennessee Association of Police Chiefs estimates 75 percent of non-credited local policing agencies already have a written policy.
- Information provided by the County Technical Assistance Services (CTAS) and the Chiefs of Police reflects the majority of the affected agencies currently have a written policy in place that will meet the requirements of the legislation.
- Any agencies that do not currently have a written policy will utilize existing staff and resources to complete the requirement.
- No fiscal impact on state or local government.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "Jeffrey L. Spalding". The signature is written in a cursive, flowing style.

Jeffrey L. Spalding, Executive Director

/lsc